

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Sharina Soriano	Team: Team # 6	CCRB Case #: 200702492	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Friday, 02/09/2007 9:00 PM	Location of Incident: Nereid Avenue & Barnes Avenue	Precinct: 47	18 Mo. SOL 8/9/2008	EO SOL 8/9/2008	
Date/Time CV Reported Fri, 02/16/2007 1:22 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 02/21/2007 4:21 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Michael Raso	18576	933235	047 PCT
2. POM Stephen Donohue	00331	932566	047 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Levar Stockton	05791	934206	047 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Michael Raso	Abuse: PO Michael Raso stopped the car in which § 87(2)(b) and § 87(2)(b) were occupants.	
B.POM Michael Raso	Discourtesy: PO Michael Raso spoke obscenely and rudely to § 87(2)(b)	
C.POM Michael Raso	Force: PO Michael Raso used physical force against § 87(2)(b)	
D.POM Stephen Donohue	Discourtesy: PO Stephen Donohue spoke obscenely and rudely to § 87(2)(b)	
E.POM Stephen Donohue	Abuse: PO Stephen Donohue threatened to arrest § 87(2)(b)	
F.POM Michael Raso	Abuse: PO Michael Raso threatened § 87(2)(b) with the use of force.	

### Synopsis

On February 9, 2007, § 87(2)(b) was driving along Nereid and Barnes Avenue in the Bronx with his uncle, § 87(2)(b) in the passenger side. PO Michael Raso pulled § 87(2)(b) over because the windows of his vehicle were too tinted (Allegation A). § 87(2)(b) alleged that PO Michael Raso told him to “get the fuck out of the car” (Allegation B). Once § 87(2)(b) stepped out of the vehicle, PO Raso allegedly slammed him against the car and punched him repeatedly in the face, stomach, and chest (Allegation C). § 87(2)(b) alleged that PO Stephen Donohue told him to “shut the fuck up before he gets taken down too” (Allegations D and E). While PO Raso drove § 87(2)(b) to the precinct, he allegedly told him that he wanted to “pull all his fucking dreads out of his head” (Allegation F).

§ 87(2)(g)

### Summary of Complaint

On February 14, 2007, § 87(2)(b) went to his private doctor to be treated for his injuries. At this time, § 87(2)(b) stated that he was elbowed by a police officer on the right side of his head. He also complained of lower back pain as a result of being kicked (enc 17A-17I).

§ 87(2)(b) filed his complaint with IAB on February 16, 2007. At this time he stated that an unidentified officer pulled him over and once he exited his vehicle, the officer slammed him against the car, and elbowed him in the temple. During his CCRB interview, § 87(2)(b) stated that an unidentified officer cursed at him, punched him in the face and chest, and threatened to pull his dreads out of his hair (enc 5A-5B).

§ 87(2)(b) was interviewed at the CCRB on March 12, 2007 concerning the events of February 9, 2007 (enc 7A-7D). On February 9, 2007 at approximately 9:00PM, § 87(2)(b) (black, male, 5’8, 138lbs), who works as a § 87(2)(b), was returning from Greenwich, Connecticut with his nephew. § 87(2)(b) stated that he hires his nephew to drive him to and from work. § 87(2)(b) s car is a Blue Dodge Minivan. § 87(2)(b) s nephew, § 87(2)(b) was driving and § 87(2)(b) was in the passenger side. § 87(2)(b) was stopped at a stop sign on Neired Avenue in the Bronx when a Black Taurus pulled up to the passenger side. PO1 (white, male, short dark hair, stocky, plainclothes), later identified as PO Raso, rolled down his car window and asked § 87(2)(b) where he was coming from. § 87(2)(b) asked PO Raso why he was asking him that and PO Raso said because they were officers and quickly flashed his badge. At this point, § 87(2)(b) told PO Raso that he was coming from Connecticut and his nephew was driving him home. Assuming they were free to leave, § 87(2)(b) drove approximately a block and then he noticed the officers had turned on their sirens and lights and were pulling him over.

The officers exited their vehicle and PO Raso and PO2 (black, male, light skinned, 5’10, black hair, plainclothes), later identified as PO Levar Stockton, approached § 87(2)(b) on the passenger side while PO3 (white, male, 5’10, dark brown hair, plainclothes), later identified as PO Donohue, approached § 87(2)(b) on the driver side. PO Donohue shined his flashlight inside the car and asked § 87(2)(b) for his license and registration. Meanwhile, PO Raso told § 87(2)(b) “get the fuck out of the car.” § 87(2)(b) hesitated for a moment and asked PO Raso why he had to get out of the car. PO Raso again told him to “come outside of the fucking car.” § 87(2)(b) exited his vehicle and as soon as he did, PO Raso jumped on him and slammed him up against his car. Specifically, PO Raso grabbed § 87(2)(b) by his arms and pushed him against the car. PO Raso started punching § 87(2)(b) in his stomach and chest. § 87(2)(b) asked PO Raso why was he

hitting him and PO Raso told him to “shut the fuck up” numerous times. PO Raso then elbowed § 87(2)(b) on the right side of his temple. § 87(2)(b) stated that he feared for his life so he began screaming “murder” approximately three times very loudly, trying to get someone’s attention but there was no one around. After he screamed murder, PO Raso leaned him up against the car, handcuffed, and began pulling his hair. Again, PO Raso told him to “shut the fuck up” and that he was going to take him to prison for disorderly conduct. § 87(2)(b) kept insisting that he did nothing wrong and that he was going to call his lawyer. PO Raso told § 87(2)(b) that his lawyer “could shove it up his fucking ass.” § 87(2)(b) stated that he did not attempt to resist at all. PO Raso then placed him in the police car and slammed the door. While all of this is going on, PO Stockton was standing nearby but did not do or say anything. PO Donohue remained on the driver side speaking to § 87(2)(b) § 87(2)(b) remained in his vehicle during the entire incident. § 87(2)(b) stated that PO Raso searched all of his pockets after he was handcuffed.

When PO Raso was driving § 87(2)(b) to the precinct, he told him that he wanted to “pull all his fucking dreads out of his head.” § 87(2)(b) was at the precinct for approximately twenty minutes in a holding cell and then PO Raso returned and gave him a summons for § 87(2)(b).

After he was released, § 87(2)(b) went to § 87(2)(b) because he was not feeling well and his head and back were hurting him.

§ 87(2)(b) stated that he did not curse throughout the incident and was simply asking PO Raso why he was being arrested. § 87(2)(b) stated that he was calm until PO Raso hit him and then he became loud and started screaming.

### Results of Investigation

#### **Victim CCRB Statement:** § 87(2)(b)

§ 87(2)(b) was interviewed at the CCRB on March 12, 2007 concerning the events of February 9, 2007 (enc 8A-8D). On February 9, 2007, § 87(2)(b) (black, male, 5’8, 160lbs) was driving a Blue Dodge minivan along Nereid Avenue in the Bronx, with his uncle § 87(2)(b) in the passenger side. § 87(2)(b) was returning from Connecticut and he did not stop anywhere else along the way. At approximately 9:00PM, § 87(2)(b) pulled up to a stop sign on the corner of Nereid and Barnes Avenue and noticed a black Taurus pull up to the passenger side. PO1 (white, male, 5’8, black hair, stocky, plainclothes), later identified as PO Raso signaled § 87(2)(b) to roll down his window and asked where he was coming from. § 87(2)(b) asked PO Raso why was he asking and PO Raso stated that he was an officer and displayed his badge. § 87(2)(b) told PO Raso that he was coming from Connecticut and PO Raso said ok. Assuming they could leave, § 87(2)(b) drove approximately half a block when he noticed the officers had turned on their lights and sirens and pulled him over.

PO2 (white, male, 6’2, plainclothes), later identified as PO Donohue, came over to the driver side and asked § 87(2)(b) for his license and registration. § 87(2)(b) asked PO Donohue why he stopped him and PO Donohue told him that his windows were too tinted. § 87(2)(b) stated that he bought the car with those tints from the Nissan dealership. § 87(2)(b) further stated that if his windows were illegally tinted, he should have received a summons and he did not. At the end of the interview, when asked if he wanted to add anything to the record, § 87(2)(b) stated that when he asked PO Donohue the reason why he was pulled over, PO Donohue told him to “shut the fuck up before he gets taken down too.” § 87(2)(b) interpreted this comment as a threat of arrest.

At this same moment, PO Raso and PO3 (black, male, light skinned, 6’2, slim, plainclothes, black hair), later identified as PO Stockton approached § 87(2)(b) on the passenger side. PO Raso asked § 87(2)(b) to step out of the vehicle and he did not immediately comply, rather he asked PO Raso why he had to step out when he did nothing wrong. PO Raso then told § 87(2)(b) “get the fuck out of the car, you fucking asshole.” § 87(2)(b) stepped out of the vehicle and as soon as he did, PO Raso grabbed him by his shoulders and slammed him against the van, elbowed him in the temple and

chest, and then threw him on the floor. PO Raso was cursing at § 87(2)(b) and told him “what the fuck is wrong with you, I told you to get out of the car.” § 87(2)(b) tried to get the attention of residents in the area so he began screaming “murder” very loudly approximately five times, but there was no one around. PO Raso handcuffed § 87(2)(b) and as he was walking him to the police vehicle, PO Raso pulled § 87(2)(b)'s hair. Throughout the entire incident, PO Stockton was standing to the side and did not do or say anything.

#### **Subject Officer CCRB Statement: PO Michael Raso**

PO Michael Raso's memo book entry for February 9, 2007 confirms that at 2135 hours there was a car stop on Barnes and Nereid Avenue. At 2140 hours, there was one person under who was issued summons #§ 87(2)(b) (enc 9A-9B).

On February 9, 2007, PO Raso prepared the stop and frisk report for § 87(2)(b). The stop and frisk report indicated that § 87(2)(b) was stopped because of furtive movements and a suspicious bulge. Additional factors included the time of day/week corresponding to criminal activity, evasive, false, or inconsistent responses to officer's questions, and the area has a high incidence of reported offense. Factors leading to § 87(2)(b) being frisked include furtive movements, refusal to comply with officer's directions, and a cell phone. The reason for the search was a hard object. The report also indicated that the physical force used was hands on suspect and suspect against the wall (enc 10A-10B).

Also on February 9, 2007, PO Raso issued § 87(2)(b) summons #§ 87(2)(b), § 87(2)(b) was in violation of § 87(2)(b) (enc 11A).

PO Michael Raso was interviewed at the CCRB on May 16, 2007 concerning the events of February 9, 2007 (enc 12A-12B). On February 9, 2007, PO Raso (white, male, 5'9, 195lbs) was working with PO Donohue and PO Stockton. At approximately 9:00PM, PO Raso pulled § 87(2)(b) over on the corner of Nereid and Barnes Avenues in the Bronx because his car had tinted windows. PO Raso stated that he and PO Donohue and PO Stockton were along side of § 87(2)(b)'s vehicle at a stop light. PO Raso stated that he looked over and could not see into the car. At that point, PO Raso was able to get § 87(2)(b)'s attention who was sitting in the passenger side. § 87(2)(b) rolled down the window and PO Raso showed him his badge, said he was a police officer and told him to pull over. § 87(2)(b) who was the driver, drove off and ignored PO Raso. PO Raso then positioned his car directly behind § 87(2)(b)'s car and turned on the lights and pulled them over. PO Raso and PO Stockton approached § 87(2)(b) on the passenger side, while PO Donohue approached § 87(2)(b) on the driver side.

PO Donohue asked § 87(2)(b) to roll all the windows down to make sure there were no more people in the car. PO Donohue also asked § 87(2)(b) for his license, registration, and insurance card. At this point, § 87(2)(b) immediately started yelling to PO Donohue and asked him why he was stopped. As he was screaming at PO Donohue, § 87(2)(b) was reaching over the driver side and PO Raso noticed a bulge in § 87(2)(b)'s waistband. § 87(2)(b) kept his hands on and he kept moving his shirt to cover his waist. PO Raso stated that § 87(2)(b)'s furtive movements as well as his demeanor towards PO Donohue, prompted him to ask him to step out of the vehicle. PO Raso stated that he did not know if § 87(2)(b) was getting ready to pull out a weapon and point it at PO Donohue. PO Raso asked § 87(2)(b) to step out of the car two times before he exited the vehicle. PO Raso stated that he never told § 87(2)(b) to “step the fuck out of the car.” As soon as he stepped out, PO Raso went to frisk § 87(2)(b)'s waistband to make sure that he did not have any weapons. § 87(2)(b) pushed PO Raso's hand and did not let him frisk him. PO Raso turned § 87(2)(b) towards the vehicle and placed his hands on top of the car so he could frisk his waistband. § 87(2)(b) pushed himself off of the car and into PO Raso's body. At that point, PO Raso and PO Stockton immediately handcuffed him because they thought he was trying to conceal a weapon. PO Raso and PO Stockton had to physically place § 87(2)(b)'s hand behind his back because he would not do so willingly. PO Raso stated that prior to § 87(2)(b) being handcuffed; he had not attempted to frisk any other part of his body.

§ 87(2)(b) began screaming “murder” and PO Raso noticed a couple of people walking out of their homes to see what was happening. PO Raso stated that approximately ten people gathered along the sidewalk. PO Raso did not recall how many times § 87(2)(b) screamed out murder, but he stated that it was more than five times. PO Raso stated that he never told § 87(2)(b) to “shut the fuck up.” PO Raso frisked § 87(2)(b) and recovered a cell phone from his waistband. PO Raso stated that he never pulled § 87(2)(b) s dreadlocks. PO Raso stated that he never threatened to pull § 87(2)(b) dreadlocks “out of his fucking head.” PO Raso explained to § 87(2)(b) to meet § 87(2)(b) at the station house. PO Raso stated that § 87(2)(b) was never asked to step out of the vehicle and his demeanor was calm. PO Raso stated that that he never heard PO Donohue tell § 87(2)(b) to “shut the fuck up before he gets arrested also.” PO Raso stated that he never used any profanities towards § 87(2)(b) or § 87(2)(b). PO Raso stated that he did not use any physical force towards § 87(2)(b) and specifically, did not slam him against the hood of his car or punch him in the stomach and chest. At the precinct, PO Raso issued § 87(2)(b) a summons for § 87(2)(b). PO Raso stated that § 87(2)(b) was not issued a summons for the tinted windows because he was side tracked by § 87(2)(b) behavior. PO Raso stated that he never got a chance to conduct a tint test on the windows.

### **Subject Officer CCRB Statement: PO Stephen Donohue**

PO Stephen Donohue’s memo book entry for February 9, 2007 confirms that at 2140 hours there was a car stop on Barnes and Nired Avenues and there was one person under by PO Raso (enc 13A-13B).

PO Stephen Donohue was interviewed at the CCRB on May 30, 2007 concerning the events of February 9, 2007 (enc 14A-14B). On February 9, 2007, PO Donohue (white, male, 6’2, 200lbs) was in plainclothes, on routine patrol working with PO Raso and PO Stockton. At approximately 9:00PM, the officers observed a minivan on the corner of Nereid and Barnes Avenues in Brooklyn, which had the two front windows tinted so dark that the officers could not see inside of the vehicle. PO Donohue was the driver of the vehicle, PO Raso was in the passenger side, and PO Stockton was in the back seat. PO Donohue turned his lights and sirens on and pulled the vehicle over at a stop light. PO Donohue exited his vehicle and approached § 87(2)(b) on the driver side, while PO Raso approached § 87(2)(b) on the passenger side. PO Stockton remained towards the rear of § 87(2)(b) s car. PO Donohue asked § 87(2)(b) to roll down all the windows so that he could look inside the car. § 87(2)(b) immediately started asking PO Raso and PO Donohue why they were being pulled over. PO Donohue told § 87(2)(b) that he would explain it to him once he gathered all the vehicle information. § 87(2)(b) asked § 87(2)(b) to pass him the registration and insurance cards which were inside of the glove compartment. § 87(2)(b) started screaming and told the officers that they had no right to pull them over and he demanded to know the reason. PO Donohue told § 87(2)(b) that he would tell him the reason why he was pulled over as soon as he got the registration and insurance. PO Donohue stated that he usually does not inform a driver the reason he/she is being pulled over until he obtains the license and registration because often times, it turns into a bigger argument. § 87(2)(b) told § 87(2)(b) not to comply with PO Donohue’s request because they stopped them for no reason. § 87(2)(b) reached into his waist belt and went underneath his seat as if looking for something.

PO Raso told § 87(2)(b) to stop reaching under the seat and he did not comply. At this point, PO Raso asked § 87(2)(b) to step out of the vehicle. § 87(2)(b) did not immediately comply but eventually exited the vehicle after several verbal commands from PO Raso. As soon as § 87(2)(b) stepped out of the car, he started screaming “murder” very loudly. PO Donohue stated that PO Raso did not tell § 87(2)(b) to “step the fuck out of the car” or use any profanities towards § 87(2)(b). PO Donohue stated that neither he nor PO Stockton used any profanities towards § 87(2)(b). PO Donohue was unable to see the physical interaction between PO Raso and § 87(2)(b) because he was on the other side of the vehicle. PO Donohue did not witness § 87(2)(b) being handcuffed. PO Donohue stated that § 87(2)(b) screamed “murder” approximately 2-3 times. PO Donohue remained on the driver side with § 87(2)(b) and he

overheard PO Raso ask PO Stockton to help him handcuff § 87(2)(b). PO Donohue stated that after § 87(2)(b) exited his vehicle, § 87(2)(b) was compliant with his requests. PO Donohue stated that he did not tell § 87(2)(b) to “shut the fuck up before he gets arrested also.” PO Donohue stated that he never used any profanities towards § 87(2)(b). PO Donohue stated that he checked to make sure § 87(2)(b) had a license but did not bother with the rest of the information because § 87(2)(b) was going “nuts” at the time. Specifically, § 87(2)(b) was screaming and a few people came outside to see what the commotion was about. PO Donohue stated that he used his discretion by not issuing § 87(2)(b) a summons for the tinted windows because it would have taken too long and he was already compliant. PO Donohue informed § 87(2)(b) that § 87(2)(b) was going to be at the 47<sup>th</sup> Precinct and he could meet him there because he was going to be issued a summons for § 87(2)(b). PO Donohue stated that he never heard PO Raso threaten to pull § 87(2)(b) s braids out of his head.

#### **Witness Officer CCRB Statement: PO Levar Stockton**

PO Stockton’s memo book entry for February 9, 2007 confirms that at 2140 hours there was a car stop on Barnes and Nereid Avenue. At 2145 there was one male under for § 87(2)(b) and at 2147 hours he was en route to the Precinct (enc 15A-15B)

PO Levar Stockton was interviewed at the CCRB on May 30, 2007 concerning the events of February 9, 2007 (enc 16A-16B). On February 9, 2007, PO Stockton (black, male, 6’5, 235lbs) was working a routine patrol with PO Raso and PO Donohue. At approximately 9:00PM, PO Donohue conducted a routine traffic stop and pulled over a minivan for having dark tinted windows. PO Donohue approached § 87(2)(b) on the driver side, while PO Raso and PO Stockton approached § 87(2)(b) on the passenger side. PO Donohue asked both parties to roll down their windows. § 87(2)(b) was compliant with PO Donohue’s request and do not give PO Donohue a hard time. § 87(2)(b) on the other hand, was loud and repeatedly asked why they were stopped. Immediately, § 87(2)(b) did not want to comply with PO Donohue’s request and made a lot of furtive movements inside of the vehicle. Specifically, § 87(2)(b) was moving his hands left and right and he reached down underneath the seat of the car where the officer’s could not see his hands. § 87(2)(b) told § 87(2)(b) not to listen to PO Donohue and not to give him his license and registration because they were pulled over for no reason. PO Stockton stated that § 87(2)(b) wanted to be compliant but § 87(2)(b) kept antagonizing him so he would not comply.

At this point, PO Raso asked § 87(2)(b) to step out of the vehicle. § 87(2)(b) stepped out of his vehicle with one hand in his pocket and he had a noticeable bulge. PO Stockton stated that PO Raso did not tell § 87(2)(b) to “step the fuck out of the car” or use any profanities towards him. PO Raso asked § 87(2)(b) several times to remove his hands out of his pockets and he eventually did. PO Raso went to frisk § 87(2)(b) and he pushed his hands away. Out of the corner of his eye, PO Stockton who was positioned towards the rear of the vehicle, saw PO Raso step back as if he was pushed. PO Stockton assumed that § 87(2)(b) pushed PO Raso but he did not witness this. PO Raso turned § 87(2)(b) around and leaned him on the vehicle to place handcuffs on him. § 87(2)(b) pushed himself off of the vehicle and into PO Raso. At this point, PO Raso asked PO Stockton to help him handcuff § 87(2)(b) which he did. PO Raso frisked § 87(2)(b) and discovered that the bulge was actually a cell phone. § 87(2)(b) then started screaming “murder” numerous times as he was being handcuffed. § 87(2)(b) s actions caused a few people to come outside to see what was happening however, PO Stockton could not recall how many people gathered. PO Stockton stated that PO Raso did not slam § 87(2)(b) against his vehicle, or threaten to pull his dreads out of his head. PO Stockton stated that PO Raso did not use any physical force towards § 87(2)(b). Specifically, PO Stockton stated that PO Raso did not punch § 87(2)(b) in his chest, his stomach, or the side of his temple. PO Stockton stated that he did not hear PO Donohue use any profanities towards § 87(2)(b) or threaten to arrest him. § 87(2)(b) was taken to the precinct and PO Raso issued him a summons for § 87(2)(b).

## **Medical Records**

On § 87(2)(b), § 87(2)(b) went to his private doctor and was treated for superficial head injuries. § 87(2)(b) underwent a CAT scan which revealed no evidence of acute bleeding or mass effect. § 87(2)(b) was discharged the same day and given printed instructions Enc 17A-17 I).

## **NYPD Documents**

### **Roll Call: 47<sup>th</sup> Precinct, Tour 3 on February 9, 2007**

The 47<sup>th</sup> Precinct's roll call for February 9, 2007 confirms that PO Raso, PO Stockton, and PO Donohue were all working 1730x0205 hours and were assigned to an Anti-Crime team (enc 18A).

### **Command Log: 47<sup>th</sup> Precinct, Tour 3 on February 9, 2007**

The 47<sup>th</sup> precinct's command log confirms that § 87(2)(b) was arrested at 2140 hours by PO Raso for § 87(2)(b). § 87(2)(b)'s physical condition was noted as normal and he was released with summons # § 87(2)(b) (enc 19A).

## **Criminal History of Civilians**

§ 87(2)(b)  
§ 87(2)(b)  
§ 87(2)(b)

## **Status of Summons**

There is currently no summons on file for § 87(2)(b)

## **Complainant CCRB History**

§ 87(2)(b) and § 87(2)(b) have no prior CCRB complaints (enc 3A and 4A).

## **Subject Officer CCRB History**

PO Raso and PO Donohue have never been disciplined as a result of substantiated CCRB complaint (enc 1A and 2A).

## **Conclusions and Recommendations**

### **Officer Identification**

PO Raso was identified from the summons he issued to § 87(2)(b). PO Stockton and PO Donohue matched the physical descriptions provided by § 87(2)(b) and § 87(2)(b). All three officers appear on the roll call as working together. Furthermore, during their CCRB interviews, PO Raso, PO Donohue, and PO Stockton all confirmed their involvement in this incident.

### **Undisputed Facts**

It is undisputed that PO Raso pulled § 87(2)(b) over for having tinted windows. It is also undisputed that PO Raso issued § 87(2)(b) a summons for § 87(2)(b).

### **Disputed Facts**

The physical force used by PO Raso is disputed. The alleged discourtesies used by PO Raso and PO Donohue towards § 87(2)(b) and § 87(2)(b) are disputed. It is disputed whether or not PO Donohue threatened to arrest § 87(2)(b). It is disputed whether or not PO Raso threatened to use physical force against § 87(2)(b).

### **Assessment of Evidence**

PO Raso and PO Donohue both stated that as soon as they approached the vehicle, § 87(2)(b) became agitated and immediately did not want to comply with their requests. § 87(2)(b) stated that he hesitated for a moment before he exited his vehicle and asked PO Raso why he was being pulled over. § 87(2)(b) then stated that he exited his car and PO Raso immediately slammed him against the car. § 87(2)(b) also corroborated this. However, PO Raso and PO Donohue stated that § 87(2)(b) did not exit his vehicle after being asked once, but rather after numerous times. Furthermore, both officers stated that § 87(2)(b) was cooperative while § 87(2)(b) was antagonizing him not to give PO Donohue his license and registration. During his CCRB interview, § 87(2)(b) became visibly upset and agitated when asked questions about his demeanor during the incident. He stated that the officers had no right to pull him over and he did nothing wrong. § 87(2)(b) wanted to know the reason why he was pulled over and when he was not told, he became loud and boisterous. PO Donohue stated that he usually does not tell a person why he/she is pulled over until he obtains all the necessary paperwork from the operator of the vehicle. § 87(2)(g)

§ 87(2)(b) stated that PO Raso punched him in the chest, stomach, and elbowed him in the temple. § 87(2)(b) stated that he saw PO Raso elbow § 87(2)(b) in the temple, chest, and then threw him on the floor. § 87(2)(b) never stated that PO Raso threw him on the floor but when he went to the doctor, he complained of lower back pains due to being kicked. § 87(2)(g)

§ 87(2)(b) stated that PO Donohue cursed at him and threatened to arrest him. However, all of the officers stated that § 87(2)(b) was compliant and not giving any trouble. § 87(2)(g)

**Allegation A): PO Michael Raso stopped the car in which § 87(2)(b) and § 87(2)(b) were occupants.**

PO Raso stated that he pulled § 87(2)(b) and § 87(2)(b) over because the car windows were illegally tinted and he could not see inside of the vehicle. § 87(2)(g) both the civilians and PO Raso stated that § 87(2)(b) was not immediately stopped but rather, drove a short distance after speaking to PO Raso and then they were pulled over. Moreover, PO Raso did not issue § 87(2)(b) a summons for having illegally tinted windows.



§ 87(2)(g)

**Allegation B): PO Michael Raso spoke obscenely and rudely to § 87(2)(b)**

§ 87(2)(b) alleged that PO Raso told him to “get the fuck out of the car.” While PO Raso stated that he did not use any profanities towards § 87(2)(b) the evidence suggests that § 87(2)(b) was not being compliant with PO Raso’s request and was asked numerous times to exit his vehicle. According to the decision in NYPD v Court, there are certain circumstances where an officer’s use of profanity does not constitute misconduct, such as when the remarks are made to gain compliance. § 87(2)(g)

**Allegation C): PO Michael Raso used physical force against § 87(2)(b)**

§ 87(2)(b) alleged that PO Raso slammed him against his car, punched him in the chest and stomach and elbowed him in his temple. PO Raso stated that he did not use any physical force against § 87(2)(b) and PO Stockton also stated that no physical force was used against § 87(2)(b) § 87(2)(g)

**Allegation D): PO Donohue spoke obscenely and rudely to § 87(2)(b)**

§ 87(2)(b) alleged that PO Donohue told him to “shut the fuck up.” PO Donohue stated that he did not use any profanities towards § 87(2)(b) and PO Raso and PO Stockton stated that they did not hear any profanities used. § 87(2)(g)

**Allegation E): PO Donohue threatened to arrest § 87(2)(b)**

§ 87(2)(b) alleged that PO Donohue told him to “shut the fuck up before he gets taken down too.” § 87(2)(b) interpreted this as a threat of arrest. PO Donohue stated that he never threatened to arrest § 87(2)(b) and that he remained compliant the entire time. PO Raso and PO Stockton both stated that they did not hear this alleged threat. § 87(2)(g)

**Allegation F): PO Raso threatened § 87(2)(b) with the use of force.**

§ 87(2)(b) alleged that PO Raso told him he wanted to “pull his fucking dreads out of his head.” PO Raso stated that he did not threaten § 87(2)(b) with the use of force. PO Stockton and PO Donohue did not hear PO Raso threaten to use physical force against § 87(2)(b) § 87(2)(g)

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: